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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,583	08/27/2001	Wataru Sasaki	32739M058	2723
7590 10/20/2005 SMITH, GAMBRELL & RUSSELL, LLP Suite 800 1850 M Street, N.W. Washington, DC 20036			EXAMINER BRUCKART, BENJAMIN R	
			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,583

Applicant(s)

SASAKI ET AL.

Examiner

Benjamin R. Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050323.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claims 1, 6-9 are pending in this Office Action.

Claim 1 is amended.

Claims 2-5 are cancelled.

Claims 10-15 are cancelled as non-elected claims filed in a division application.

No new claims.

The 35 U.S.C. 112, second paragraph rejection is withdrawn in light of amendment and arguments.

Information Disclosure Statement

The information disclosure statement filed 3/23/2005 has been considered.

Response to Arguments

Applicant's arguments filed 9/6/05 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,480,884 by Saito in view of U.S. Patent No. 6,189,026 by Birrell et al.

Regarding claim 1, a push type scanner apparatus capable of transmitting image data through a network (Saito: col. 2, lines 50-60; col. 3, lines 42-48) comprising:

- an original scanner for reading an original set in the push type scanner apparatus and outputting image data of an image on a surface of the original (Saito: col. 2, lines 50-60),

- a network connecting interface for connecting the push type scanner apparatus to the network (Saito: col. 5, lines 30-32),

- an address specifying means for specifying a destination address designating a destination for transmitting the image data through the network (Saito: col. 6, lines 1-4),

- a mail creating means for creating a mail to be transmitted to the address specified by the address specifying means (Saito: col. 6, lines 26-32),

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an appended file creating means for creating, when the original is read by the original scanner, an appended file comprising the image data of the original to be appended to the mail created by the mail creating means (Saito: col. 5, lines 37-57),

a transmission executing means for outputting the created mail and the appended file through the network connecting interface to the network (Saito: col. 4, lines 56-61), and

The Saito reference does not explicitly state retrieving address book data from a network device.

The Birrell reference teaches:

an address book data obtaining means for obtaining address book data from a predetermined data processing apparatus connected to the network (Birrell: col. 1, lines 65- col. 2, line 18) in response to user data and a password entered by a user (Birrell: col. 4, lines 1-14),

wherein the address specifying means specifies an address from the address book data as the destination address (Birrell: col. 10, lines 39-67; Saito: col. 5, lines 1-4).

The Birrell reference further teaches the invention overcomes deficiencies by allowing users to be mobile and work across the network by capturing user's state and dynamically providing address book data (Birrell: col. 1, lines 45-67).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus capable of transmitting image data through a network as taught by Saito while employing a server storing address book data as taught by Birrell in order to allow the user mobility and dynamic address data across the network (Birrell: col. 1, lines 45-67).

Claim 9 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Birrell and Saito.

Regarding claim 9, a push type scanner apparatus as claimed in claim 1, further comprising a set expression storing means for storing set expressions used for creating a text writing of a mail (Saito: col. 5, lines 37-58).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,480,884 by Saito in view of U.S. Patent No. 6,189,026 by Birrell et al in further view of U.S. Patent No. 5,893,101 by Balogh et al.

Regarding claim 6,

The Saito reference teaches a push type scanner apparatus as claimed in claim 1, with data input means.

The Saito reference does not teach additional data input means for database processing.

The Balogh reference teaches an additional data inputting means for inputting additional data to be added to image data for database processing (Balogh: col. 3, lines 11-43).

The Balogh reference further teaches the invention allows users to select images using a natural language search capacity (Balogh: col. 1, lines 46-54).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an image data transmitting and receiving system as taught by Saito while

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employing additional data inputting means as taught by Balogh in order to allow users to select and search images using a natural language search (Balogh: col. 1, lines 46-54).

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,480,884 by Saito in view of U.S. Patent No. 6,189,026 by Birrell et al in further view of U.S. Patent No. 6,321,267 by Donaldson.

Regarding claim 7,

The Saito reference teaches a push type scanner apparatus as claimed in claim 1, further comprising a store means for storing the destination addresses (Saito: col. 5, lines 19-20).

The Saito reference does not explicitly state limiting transmission based on address.

The Donaldson reference teaches data transmission is limited on the basis of the domain name of each of the said destination addresses (Donaldson: col. 3, lines 34-51), and a transmission limiting means for limiting image data transmission to a destination address by corresponding the domain name of the destination address to the domain names stored in the store means (Donaldson: col. 7, lines 30-40).

The Donaldson reference further teaches the invention filters out security risks and protects resources (Donaldson: col. 7, lines 66- col. 8, lines 6).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create an image data transmitting and receiving system as taught by Saito while employing limiting transmission as taught by Donaldson in order to filter out security risks and protect resources.

Claim 8 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Saito and Donaldson.

Regarding claim 8, a push type scanner apparatus as claimed in claim 1, further comprising a storing means for storing the destination addresses (Saito: col. 5, lines 19-20) to which the image data transmission is permitted on the basis of the domain name of each of the said destination addresses (Donaldson: col. 3, lines 34-51), and a transmission permitting means for permitting the image data transmission to a destination address by corresponding the domain name of the destination address to the domain names stored in the storing means (Donaldson: col. 7, lines 41-50).

Remarks

Applicant has elected group 1, claims 1, 6-9. Applicant has amended claim 1 with address specifying limitations.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,442,592 by Alumbaugh et al teaches address book data retrieval based on logon in col. 3, lines 59- col. 4, line 3; col. 4, lines 26-37; col. 8, lines 64- col. 9, line 11.

U.S. Patent No. 6,931,432 by Yoshida teaches accessing memory of a server for addressing data for a transmission.

U.S. Publication No 2001/0044828 by Kikinis teaches a device that addresses based on address book information to a destination.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155

brb



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER